

PETITION TO MODIFY CHILD SUPPORT

(STANDARD PROCESS)

1

**To Change an Existing Court Order
For Child Support Due to Continuing Change in
Circumstances (Standard Process)**

Part 1: Filing the Court Papers

(Instructions Packet)

Family Court Self Help Workshops

Registration: 8:30 – 9:00 am

All workshops begin promptly at 9:00 am

How to Prepare a Default Decree

First Friday of every month

- **Downtown Phoenix:** 101 W. Jefferson Ave. (East Court Building), Law Library

What to bring: Black Pen

Child Support Modification

1st Friday of every month (two locations)

- **Mesa:** 222 East Javelina Ave., Law Library
- **Phoenix:** 18380 N. 40th Street, Multipurpose Room A

2nd & 4th Friday of every month

- **Downtown Phoenix:** 101 W. Jefferson (East Court Building), Law Library

4th Friday of every month

- **Surprise:** 14264 W. Tierra Buena Lane, Northwest Jury Assembly Room

What to bring: Copy of the Current Child Support Order and a Black Pen

Establishment of Paternity, Custody, Parenting Time and Child Support

Third Friday of every month

- **Downtown Phoenix:** 101 W. Jefferson Ave. (East Court Building), Law Library
- **Mesa:** 222 E. Javelina Ave., Law Library

What to bring: Copy of the Child(ren)'s Birth Certificate and a Black Pen

Stop/Change Income Withholding for Child Support and/or Spousal Maintenance

2nd and 4th Friday of every month

- **Downtown Phoenix:** 101 W. Jefferson Ave. (East Court Building), Law Library

What to bring: Copy of the Current Child Support Order and/or Spousal Maintenance Order and a Black Pen

For more information about the workshops, call (602) 372-3100.

SELF-SERVICE CENTER

**MODIFY CHILD SUPPORT
DUE TO CONTINUING CHANGE IN CIRCUMSTANCES
(Standard Process)**

PART 1: FILING THE COURT PAPERS

INSTRUCTIONS ONLY

This packet contains court forms and instructions to file a ***“Petition to Modify a Court Order for Child Support– Standard Process.”*** Items in **BOLD** are forms that you will need to file with the Court. Non-bold items are instructions or procedures. Do not copy or file those pages!

Order	File Number	Title	# Pages
1	DRMCS1it	Table of Contents (this page)	1
2	DRMCS11i	Help to complete the <i>“Petition to Modify Child Support”</i> <i>“Standard Process”</i>	2
3	DRMCS12p	Procedures: What to do Next	2

The documents you have received are copyrighted by the Superior Court of Arizona in Maricopa County. You have permission to use them for any lawful purpose. These forms shall not be used to engage in the unauthorized practice of law. The Court assumes no responsibility and accepts no liability for actions taken by users of these documents, including reliance on their contents. The documents are under continual revision and are current only for the day they were received. It is strongly recommended that you verify on a regular basis that you have the most current documents.

SELF-SERVICE CENTER

INSTRUCTIONS: HOW TO COMPLETE THE PETITION TO MODIFY (CHANGE) A CHILD SUPPORT ORDER (Standard Process)

TO COMPLETE THIS FORM YOU WILL NEED:

- ✓ A copy of your current child support order.
- ✓ A copy of the Income Withholding Order for this case, if there is one.
- ✓ A completed Affidavit of Financial Information.

FEES TO FILE: There are fees for filing petitions, responses, requests, motions, objections, and various forms with the Court. Cash, AMEX/VISA/MasterCard debit or credit cards, or money order made payable to the "Clerk of Superior Court" are acceptable forms of payment.

Go online to <http://clerkofcourt.maricopa.gov/fees.asp> or the Self-Service Center for a list of current fees.

If you cannot afford the filing fee and/or the fee for having the papers served by the Sheriff or by publication, you may request a **deferral** (payment plan) when you file your papers with the Clerk of the Court. **Deferral Applications** are available at **no charge** from the Self-Service Center.

INSTRUCTIONS: The letters next to the paragraphs below correspond to the letters in the Petition. Match the letter in front of the instruction below to the letter in the Petition. Write clearly. Use **black** ink.

- (A) Fill in the information requested at top left for the person who is filing this form. If there is a current court order declaring your address is protected, write "protected" on the line provided for your address. Make sure the Clerk of Court has valid contact information on file.) Write the ATLAS number if you have one. The spaces marked "representing" and "state bar number" are used **only** if an attorney is preparing this form.
- (B) Fill in the section where it says **Name of Petitioner AND Name of Respondent**, exactly as it appears on your original Divorce, Paternity, or Child Support and/or Spousal Maintenance/support papers. If your original case was a Paternity case, remember that the Plaintiff is now called the Petitioner and the Defendant is now called the Respondent. If this is the first court case you are filing in Maricopa County, write in your name as Petitioner, and the other party as Respondent.
- (C) Fill in your Maricopa County case number.
- 1, 2. INFORMATION ABOUT THE PETITIONER and RESPONDENT.** Fill in the information requested about the Petitioner and Respondent. If you were the Petitioner or Plaintiff in the original case, put your information in the spaces provided for the Petitioner. If not, put the information about the other party here and your information in the spaces provided for the Respondent.

3. **INFORMATION ABOUT THE CURRENT SUPPORT ORDER I WANT TO CHANGE.** Fill in the information about your current Child Support.
4. **INFORMATION ABOUT OTHER COURT CASES TO CHANGE THIS COURT ORDER INVOLVING THE PETITIONER AND THE RESPONDENT.** Complete the information about other court cases that either party has filed to enforce or modify/change the court order you are trying to have changed. If you have any current modification cases pending in any court, you cannot file this Petition unless you talk to an attorney and the attorney tells you that you can do it.
5. **DEPARTMENT OF ECONOMIC SECURITY.** If you receive services from the Child Support Enforcement Administration (DCSE) or you know the other party does, mark the box "yes". Otherwise, mark the box "no". If you do not know, mark the box for "unknown."
6. **I AM ENTITLED TO HAVE CHILD SUPPORT CHANGED FOR THE FOLLOWING REASONS:** Describe the reasons and the substantial and continuing change in your circumstances that require a change in child support.
7. **AMOUNT OF CHILD SUPPORT:** Based on the reasons stated in (6) above, write in the (new) amount you want the Court to order for child support and the payment period .

DATE AND SIGN. By signing, you are stating that the information you have provided on this document is true and correct to the best of your knowledge – under penalty of perjury.

SELF-SERVICE CENTER

PROCEDURES: WHAT TO DO AFTER YOU HAVE COMPLETED THE PETITION TO MODIFY CHILD SUPPORT – “STANDARD PROCESS”

1. **AFTER** you have completed the “Petition to Modify”, complete the:
“Affidavit of Financial Information (AFI).” There are two AFI included this packet: Fill out one and leave the blank copy for the other party to complete.
“Current Employer Information Sheet”
2. **MAKE THREE (3) COPIES** (4, IF DES/DCSE is involved*) of the:
 - Petition to Modify Child Support – Standard Process
 - Affidavit of Financial Information (completed by you)
3. **Separate your papers into 4 sets** (5, if DES / DCSE is involved).

SET 1 - ORIGINALS FOR CLERK OF COURT <ul style="list-style-type: none">• “Petition to Modify”• “Affidavit of Financial Information”• “Current Employer Information Sheet”	SET 2 - FOR FAMILY COURT CONFERENCE CENTER <ul style="list-style-type: none">• “Petition to Modify” (copies)• “Affidavit of Financial Information”
SET 3 - COPIES FOR OTHER PARTY <ul style="list-style-type: none">• “Petition to Modify”• “Affidavit of Financial Information” **	SET 4 - COPIES FOR YOU <ul style="list-style-type: none">• “Petition to Modify”• “Affidavit of Financial Information”
SET 5 - COPIES FOR THE ATTORNEY GENERAL (“the AG”) (only if DES or DCSE is involved) * <ul style="list-style-type: none">▪ “Petition to Modify”▪ “Affidavit of Financial Information”	

* For more information on when and how to serve notice on the AG, see (7) on next page.

** Add a *blank* AFI to the set of papers served on the other party as stated in (7) on next page.

4. FILE THE PAPERS AT THE COURT:

GO TO THE CLERK OF THE COURT’S FILING COUNTER: Hand the originals and all sets of copies to the Clerk. The Clerk will keep the originals, stamp and return the extra copies to you. The stamp shows they are copies of papers filed with the Court (and are now called “conformed” copies).

You may file your papers from 8am to 5pm, Monday through Friday, at these Superior Court locations:

Central Court Building
201 West Jefferson, 1st floor
Phoenix, Arizona 85003

Northwest Court Complex
14264 West Tierra Buena Lane
Surprise, Arizona 85374

Southeast Court Complex
222 East Javelina Avenue, 1st floor
Mesa, Arizona 85210

Northeast Court Complex
18380 North 40th Street
Phoenix, Arizona 85032

FEES: There are fees for filing petitions, responses, requests, motions, objections, and various forms with the Court. Cash, AMEX/VISA/MasterCard debit or credit cards, or money order made payable to the “Clerk of Superior Court” are acceptable forms of payment.

A list of current fees is available from the Self Service Center website or from the Clerk of Court’s website. If you cannot afford the filing fee and/or the fee for having the papers served by the Sheriff or by publication, you may request a deferral (payment plan) when you file your papers with the Clerk of the Court. Deferral Applications are available at no charge from the Self-Service Center.

5. **GO TO “FAMILY COURT CONFERENCE CENTER”** (formerly “Expedited Services”)
- | | |
|---|---|
| Central Court Building
201 West Jefferson, 3rd floor
Phoenix, Arizona 85003 | Southeast Court Complex
222 East Javelina Avenue, Suite 1300
Mesa, Arizona 85210 |
| Northwest Court Complex
14264 West Tierra Buena Lane
Surprise, Arizona 85374 | Northeast Court Complex
18380 North 40 th Street
Phoenix, Arizona 85032 |

**DELIVER SET 2 OF THE CLERK-STAMPED COPIES and
PICK UP AN “ORDER TO APPEAR”.**

6. **The Family Court Conference Center will schedule a conference and hearing.** You and the other party will meet with a conference officer to talk about the case to try to reach agreement. For those matters on which you are unable to reach full agreement, a hearing will be held just after your conference to decide the case.

THE DATE, TIME, AND LOCATION OF THE CONFERENCE/HEARING ARE ON THE “ORDER TO APPEAR.” Make 1 copy of the Order to Appear, or if the State of Arizona is involved, make 2.

The State of Arizona may be involved if any parent received public assistance for the children or used the services of the State in establishing or collecting child support. **If the State is involved, notice of this action must also be given to the Attorney General’s Office** as described in 7, below.

7. **Serve the papers on the other party (or parties):** You must arrange for service of the papers on the other party (or parties).
- **Serve the original *Order to Appear* along with Set 3** of the other papers *on the other party*, **and** include a blank AFI for the other party to fill out.

and if DES or DCSE is involved:
 - **Serve a copy of the *Order to Appear* along with Set 5** of the other papers *on the Attorney General’s Office*.

SERVING PAPERS ON THE STATE: *(if required)*. The Office of the Attorney General (the “AG”) will accept service by signing an “**Acceptance of Service**” form and returning the form *for you to file with the Court*. There are no court fees for serving the State with an **Acceptance**, as described below:

- (a) You may mail or personally deliver to the Office of the Attorney General (the “AG”) assigned to your case*:
- a copy of the “**Petition to Modify**” along with an
 - “**Acceptance of Service**” AND
 - a self-addressed, stamped envelope *(addressed back to you)*.
- (b) There may also be a “drop-box” in the Clerk of Court’s filing counter area at which you may leave the above listed documents and the envelope for the AG. Ask the clerk at the filing counter, **OR**
- (c) You may mail the documents and the self-addressed stamped envelope to:

Office of the Attorney General
Child Support Enforcement Section
P.O. Box 6123 – Site Code 775C
Phoenix, AZ 85005

**Note: The State is not considered served until
the AG’s signed *Acceptance of Service* is filed
with the Court!**

8. **GO TO THE COURT CONFERENCE/HEARING.** Be on time. Do not bring children to court. Dress neatly. Be prepared to tell the Judge why the court order should be changed.

Bring the following to the hearing:

- ☐ A copy of the “**Petition to Modify Child Support**”
- ☐ An “**Affidavit of Financial Information**” completed by you